IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26732 of 2007(G)

PETITIONER:

T.A.RAGINI,W/O. LATE U.BALAN,
MALAYALEE HOUSE,MAHADEVA GRAMAM,
S.S.TEMPLE, PAYYANNUR,KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

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1. MANAGER,
STATE BANK OF TRAVANCORE,
MANAKKAD BRANCH,THIRUVANANTHAPURAM.

2. ACCOUNTANT GENERAL (A & E) KERALA
THIRUVANANTHAPURAM.

3. DIRECTOR OF STATE LOTTERIES,
VIKAS BHAVAN,THIRUVANANTHAPURAM.

4. SUB TREASUREY OFFICER,
PENSION PAYMENT SUB TREASURY, UPPALAM ROAD,
THIRUVANANTHAPURAM.

5. P.S.MINI,D/O. RAGHAVAN,DAS COTTAGE,
VADAKKANCHERY,THRISSUR.

BY ADV. SRI. SATHISH NINAN,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 26732 OF 2007

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Dated this the 7th day of September, 2007.

JUDGMENT

The petitioner claims the family pension payable to the legal heirs of U. Balan who died on 12.08.2007. According to the petitioner, she is the legally wedded wife of Balan and she is the only person entitled to get the family pension. Apparently, 5th respondent is a rival claimant for the family pension and according to the petitioner, Balan had given the name of the 5th respondent for receiving the same. This, according to the petitioner, is done at the instance of the 5th respondent. I heard the learned counsel for the petitioner as also the Standing Counsel on behalf of the Bank. Right to receive family pension is essentially a civil right and if there is dispute as to the status of the person who claims such a family pension vis-a-vis., the pensioner in question, then a civil suit is the appropriate remedy. There will be disputed questions to be gone into and in appropriate cases there has to be a declaration as to the status as well. In the circumstances, without prejudice to the petitioner's contentions and right to approach the civil court, the writ petition is dismissed.

V. GIRI, JUDGE.

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